

Home (1918) Department.
Education

Ordinary SERIES.

G.O. No. 1680

DATED 31-12-18

INDEXED

[Despatch Abstract.]

Acquisition

Informing M.S.M. Sivaiah Madaliyar that the Government are unable to withdraw from the acquisition of house No. 100/101 in Adiyappa Nayak street, George Town, required for the Hindu Theological High School, Madras.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

IGNANA MUDALIAR
HIGH COURT.

RESIDENCE—STRATHENDALE, VEPERY.
Office—No. 23, Law Chambers, High Court.

Madras, 13th December 1918

To

The Secretary to Government,
(Education)
Home Department, Fort St. George.

Sir,

With reference to memorandum No.585 B-1, dated the 26th March 1918 wherein it was stated that there were then no proposals before the Government for acquiring house nos.100 & 101 Audiappa Naick Street - George Town for the Theological High School, I understand that a notification has now been published for the acquisition. The property has since my last letter risen in value in that part of the Town owing to its being a commercial quarter. The Theological High School authorities themselves have been negotiating for the purchase of the house by private contract. It fetches a rent of Rs.150/- a month with an advance of Rs.1,000/- The School authorities by their inducing the Government to adopt acquisition proceedings probably hope to get the property at less than its proper value with the possible risk of my having to litigate against the Government at considerable annoyance and inconvenience. I venture to state that the acquisition of the property for the benefit of a School is not such a public purpose as to compulsorily acquire and to put me to all this trouble, more especially as the School authorities can by private sale purchase the property at its proper value. There have been offers for Rs.37000/- for the house which I refused as I wanted Rs.40,000/- which I would get for it. But with the sword of these acquisition proceedings over its

its

18th December

To

The Secretary to Government,
(Education)
Home Department, Fort St. George.

Sir,

With reference to memorandum No. 885 A-1, dated the 28th March 1918 wherein it was stated that there were then no proposals before the Government for acquiring houses nos. 100 & 101 Audubon's street George Town for the Theological High School, I understand that a notification has now been published for the acquisition of the property has since my last letter placed in value in that part of the Town owing to its being a commercial quarter. The Theological High School authorities themselves have been negotiating for the purchase of the houses by private contract. It fetches a rent of Rs. 100/- a month with an advance of Rs. 1,000/- The school authorities by their inducing the Government to adopt acquisition proceedings possibly hope to get the property at less than its proper value with the possible risk of my having to interfere against the Government at considerable annoyance and inconvenience. I venture to state that the acquisition of the property for the benefit of a school is not such a public purpose as to compulsorily acquire and to put me to all this trouble, more especially as the school authorities can by private sale purchase the property at its proper value. There have been others (No. 37000) for the house which I turned as I wanted Rs. 40,000/- which I would get for it. But with the award of these acquisition proceedings over

P. M. SIVANONANA MUDALIAR,
VAKIL, HIGH COURT.

No.

RESIDENCE—STRATHENDALE, VEPERY,
Office—No. 23, Law Chambers, High Court.

Madras

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its head I did not think it fair to deal with the offerers who are ignorant of these proceedings. If the Government is disposed to take it for Rs. 40,000/- I am prepared to part with it. But I must state that this offer will be open for only three months as prices will go up by that time.

I therefore request that the acquisition proceedings may be dropped and the property may be purchased by private contract. If the acquisition proceedings are to be only to give a good title I have no objection to such proceedings after the price is settled.

I beg to remain

Sir,

Your most obedient servant.

P. M. Sivanonana Mudaliar

Home (Ed. 2)

6-2628/B. pat. Japan M. R. Ry. P. M.
Sisagawara Mudalijet, d/13-12-18.

Please see the discussions

and orders in Lic. No. 1067 dated 21/19th Aug. 1918 from which it will be observed that the reasons for desiring to put the Land Acquisition Act in operation to secure the property ^(for the Hindu Theological School) was mainly two-fold.

(1) The impracticability of obtaining the only alternative property - No. 142 in Mount St. & No. 22 in Palliyappan St.:- Suitable for the extension of the school (Leader's report at pp 52 & 53 of Govt 2018d N. 2) 5th March 1912); and

(ii) The very heavy price (Rs 25,000) against the official valuation of Rs 2,000 demanded by Mr. Srinagawan Mudali.
- (Vide also Regt's notes at pp 9 to 11 of Serial (E)).

2. Mr. Sivagnanasu Muthalingam is no doubt correct in saying that in Memo No. 585/A-1, dt. 26th March 1948 he was informed that Govt. had no proposals first than for the acquisition of his property. But not Crusikamangal

I have no objection to such proceedings after the price is settled. The redemption proceedings are to be only to give a good title - dropped and the property may be purchased by private contract. If I therefore request that the redemption proceedings may be so - as prices will go up at that time.

- must state that this order will be open for only three months - to take it for Rs. 50,000 - I am prepared to part with it, but I - the Government is disposed to be ignorant of these proceedings. If the Government is disposed to deal with the orders who the head I did not think it fair to deal with the orders who

and beg to remain

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(our most obedient servant)

$$y: 1.7 - 2.2 \cdot 10^6$$

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Ap. 5, 88 (E)

had changed. Since and a draft notification has been essentially published for the acquisition of the property - Vide G.O. No. 1389 Edn, d) 30th Feb. 1918. It is doubtful whether the present threat of litigation will induce Govt. to withdraw from acquisition at this stage. Subject to approval the draft order below is subd. It seems scarcely necessary to consult the collector.

18.12.18

The main reason for applying the Land acquisition Act in this case is the vacillating attitude of the owner. He first expressed willingness to sell; then he was reported to be not agreeable. Now the difficulty is in regard to the price alone. There is a good deal of difference between the price now demanded by the owner (Rs. 40,000) and ~~the estimated~~ the cost as estimated (Rs. 24,000). A public institution should be helped to acquire land necessary for its purpose at a reasonable price. The facts now stated by the owner are those to be placed before the acquiring officer in determining the award. It is clear from the present letter itself that

the school cannot get the house at a reasonable price by private negotiation. The protection of the interests of the School by the application of the Act seems therefore justified. The decision already arrived at and approved by H.E. may be upheld.

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21.12.18

It seems to me that if the Act is now applied to the present house, the School will obtain a house neither cheap nor convenient. Mr Siwagnana Mudr wants Rs 40,000 and he may get ^{from the acquire office a much as} at least Rs 30,000, the present rent of the house being Rs 150 per m. whereas the larger house No. 142 was estimated at Rs 35,799; this latter house was at one time actually rented for the School (p. 5 of same cf) and Mr Stone thought, in Sep. 1917 (p. 35 of same cf) that no other of the suggested acquisitions would serve the needs of the School equally well. It is said, in a petition by the son of the owner of house No. 142, that Mr Siwagnana Mudr's house, No 100-101, was itself part of the School some 10 years ago. But the Correspondent of the School (p. 5 of same cf) was of opinion that it was only the second best of the houses proposed to be acquired.

(E)

However, under G.O. 1067 d. 19.3.18 Govt's commitment by way of building grant if the present house is acquired, is limited to Rs 12,000. I agree that if the School is content to have the house it is cheaper for it to ~~acquire~~ ^{acquire} the present acquisition.

p. 21 of c.f. in
G.O. no. 307 d. 5.3.18

Requisition.

Seatt. II-10 (a) ~~38,003-21-1-48.~~ (6)

Home DEPARTMENT.

Informing M. R. Ry. P. M. Sivagnanam (Ed. M)
 Much to that the Govt; are unable to withstand
 from the acquisition of lands No. 100/101 in Andiyal
 Nayak St.; G. T. reqd: for the Hindu Theological
 High School, Madras 191

READ ALSO:—

C. No. 2628 ^(Pet.) From Me M.R. Ry. P. M., No. . . , dated 13.12.1918
Sivagangana Mudaliyar

ORDER.

ME.

No. 1680, dated 31. XII. 1918

M. R. Ry. P. M. Sinsagunawan
Mudalijar is informed that
the Govt. are unable to
withdraw from the acquisition
of ^{the} ~~the~~ house property No.
100/101 in Azhadiappa Nayak
Street, George Town, require
for the Hindu Theological
High School, Madras.

To M. R. Ry. P. Sirogama
Mudra (Pto)

READ AGAIN G.O. No.
191 .

, DATED

CURRENT No.

ENCLOSURE TO C. No.

ORDER OF GOVERNMENT

..	..	..	A	A	A	A	A	A
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Letter of Recommendation

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IN ORIGINAL.

F.B.—

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